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Attorneys for Defendants

CITY OF MENLO PARK and DAVE BERTINI

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

MICHAEL ZELENY, an individual

Plaintiff,

vs.

EDMUND G. BROWN, JR., an individual, in
his official capacity, et al.

Defendants.

Case No. 17-cv-07357-RS (TSH)

**DECLARATION OF ROBERT J.
GUNDERT PURSUANT TO LOCAL RULE
6-2(a) REGARDING STIPULATION AND
PROPOSED ORDER TO EXTEND TIME
TO RESPOND TO PLAINTIFF'S MOTION
FOR ATTORNEY'S FEES**

Trial Date: None

I, Robert J. Gundert, declare:

1. I am an attorney at law licensed to practice before this Court, and Senior Counsel with the firm Howard, Rome, Martin & Ridley LLP, counsel of record for defendants City of Menlo Park and Dave Bertini, herein. I am a competent adult, with personal knowledge of the matters set forth in this declaration. If called as a witness, I could and would competently testify to such matters.

DECLARATION OF ROBERT J. GUNDERT PURSUANT TO LOCAL RULE 6-2(a); Case No. 17-cv-07357-RS (TSH)

2. Submitted herewith is a Stipulation and Proposed Order seeking a one week extension of the deadline by which Defendants City of Menlo Park and Dave Bertini are to file opposition to Plaintiff's Motion for Attorney's Fees (Document 201) and a corresponding extension of time for Plaintiff to file any reply thereto.

3. Plaintiff filed his motion for attorneys' fees on Friday, November 12, 2021, making Defendants' response thereto due by Friday, November 26, 2021, which is the day immediately following the Thanksgiving holiday. Staff in our office are given that day off. Given that, along with the amount being sought and the extensive documentation submitted by and with the Plaintiff's motion, Defendants would appreciate an additional week to prepare, file and serve opposition. Plaintiff's deadline to file a reply would be one week later.

4. The hearing on Plaintiff's motion was initially set for December 23, 2021 but has been rescheduled by the Court to January 6, 2021, two weeks after the original hearing date.

5. Based on my review of the Court's docket and our file, previous extensions of time in this case were as follows:

- a. [Doc 9] Stipulation to extend time to respond to Plaintiff's Complaint filed by Defendants Xavier Becerra and Edmund G. Brown, Jr.;
- b. [Docs 18 and 19] Stipulation and Order for additional time for Defendants City of Menlo Park and Dave Bertini to respond to the Complaint;
- c. [Doc 33] Clerk's Notice Continuing Initial Case Mgmt. Conf.;
- d. [Doc 41] Clerk's Notice Continuing Initial Case Mgmt. Conf.;
- e. [Docs 54 and 58] Stipulation and Order re Discovery Deadlines;
- f. [Doc 60] Clerk's Notice Continuing Motion to Quash hearing;
- g. [Doc 67] Clerk's Notice Continuing hearing on Motion for Relief from Nondispositive Order;
- h. [Docs 68 and 70] Stipulation and Order re filing First Am. Complaint;

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- i. [Docs 77 and 79] Stipulation and Order continuing certain pretrial dates;
- j. [Docs 92, 93 and 95] Plaintiff's Motion and Order continuing pretrial dates;
- k. [Docs 103 and 104] Stipulation and Order re briefing and hrg. date on motion to dismiss;
- l. [Doc 106] Clerk's Notice continuing Case Mgmt. Conf.;
- m. [Docs 108 and 109] Stipulation and Order cont. trial and pretrial dates;
- n. [Docs 122-125] Stipulation and Order cont. dates due to COVID-19;
- o. [Doc 131] Clerk's Notice continuing Status Conference;
- p. [Docs 133 and 134] Stipulation and Order continuing pretrial dates;
- q. [Docs 136, 137, 139, 159] Plaintiff's Motion, Order, Am Order re pretrial dates;
- r. [Docs 152 and 158] Clerk's Notice continuing Status Conference;
- s. [Doc 165] Clerk's Notice continuing hearing date on motions;
- t. [Doc 174] Clerk's Notice continuing Status Conference;
- u. [Doc 176] Clerk's Notice continuing hearing date on motions;
- v. [Docs 183, 190 and 191] Clerk's Notice continuing Status Conference; and
- w. [Doc 202] Clerk's Notice re hrg. date on motion for atty's fees.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on this 19th day of November 2021, at San Mateo, California.

//

/s/ Robert J. Gundert
 Robert J. Gundert